
HOUSE BILL 2101

State of Washington 59th Legislature 2005 Regular Session

By Representatives Pearson, Lovick, McDonald and Chase

Read first time 02/17/2005. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to registration of sex offenders and kidnapping
2 offenders in schools, notification to the school, and dissemination of
3 the information within the school; amending RCW 4.24.550; and
4 reenacting and amending RCW 9A.44.130.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are
7 each reenacted and amended to read as follows:

8 (1)(a) Any adult or juvenile residing whether or not the person has
9 a fixed residence, or who is a student, is employed, or carries on a
10 vocation in this state who has been found to have committed or has been
11 convicted of any sex offense or kidnapping offense, or who has been
12 found not guilty by reason of insanity under chapter 10.77 RCW of
13 committing any sex offense or kidnapping offense, shall register with
14 the county sheriff for the county of the person's residence, or if the
15 person is not a resident of Washington, the county of the person's
16 school, or place of employment or vocation, or as otherwise specified
17 in this section. Where a person required to register under this
18 section is in custody of the state department of corrections, the state
19 department of social and health services, a local division of youth

1 services, or a local jail or juvenile detention facility as a result of
2 a sex offense or kidnapping offense, the person shall also register at
3 the time of release from custody with an official designated by the
4 agency that has jurisdiction over the person. (~~In addition, any~~
5 ~~such~~)

6 (b) Any adult or juvenile who is required to register under (a) of
7 this subsection:

8 (~~(a)~~) (i) Who is attending, or planning to attend, a public or
9 private school regulated under Title 28A RCW shall, within ten days of
10 enrolling or prior to arriving at the school to attend classes,
11 whichever is earlier, notify the sheriff for the county of the person's
12 residence of the person's intent to attend the school, and the sheriff
13 shall promptly notify the principal of the school;

14 (ii) Who is admitted to a public or private institution of higher
15 education shall, within ten days of enrolling or by the first business
16 day after arriving at the institution, whichever is earlier, notify the
17 sheriff for the county of the person's residence of the person's intent
18 to attend the institution;

19 (~~(b)~~) (iii) Who gains employment at a public or private
20 institution of higher education shall, within ten days of accepting
21 employment or by the first business day after commencing work at the
22 institution, whichever is earlier, notify the sheriff for the county of
23 the person's residence of the person's employment by the institution;
24 or

25 (~~(c)~~) (iv) Whose enrollment or employment at a public or private
26 institution of higher education is terminated shall, within ten days of
27 such termination, notify the sheriff for the county of the person's
28 residence of the person's termination of enrollment or employment at
29 the institution.

30 (c) Persons required to register under this section who are
31 enrolled in a public or private institution of higher education on June
32 11, 1998, or a public or private school regulated under Title 28A RCW
33 on the effective date of this act, must notify the county sheriff
34 immediately.

35 (d) The sheriff shall notify the school's principal or
36 institution's department of public safety and shall provide that
37 department with the same information provided to a county sheriff under
38 subsection (3) of this section.

1 (e)(i) A principal receiving notice under this subsection must
2 disclose the information received from the sheriff under (b) of this
3 subsection as follows:

4 (A) If the student who is required to register as a sex offender is
5 classified as a risk level II or III, the principal shall provide the
6 information received to every teacher of any student required to
7 register under (a) of this subsection and to any other personnel who,
8 in the judgment of the principal, supervises the student or for
9 security purposes should be aware of the student's record;

10 (B) If the student who is required to register as a sex offender is
11 classified as a risk level I, the principal shall provide the
12 information received only to personnel who, in the judgment of the
13 principal, for security purposes should be aware of the student's
14 record.

15 (ii) Any information received by a principal or school personnel
16 under this subsection is confidential and may not be further
17 disseminated except as provided in RCW 28A.225.330, other statutes or
18 case law, and the family and educational and privacy rights act of
19 1994, 20 U.S.C. Sec. 1232g et seq.

20 (2) This section may not be construed to confer any powers pursuant
21 to RCW 4.24.500 upon the public safety department of any public or
22 private school or institution of higher education.

23 (3)(a) The person shall provide the following information when
24 registering: (i) Name; (ii) address; (iii) date and place of birth;
25 (iv) place of employment; (v) crime for which convicted; (vi) date and
26 place of conviction; (vii) aliases used; (viii) social security number;
27 (ix) photograph; and (x) fingerprints.

28 (b) Any person who lacks a fixed residence shall provide the
29 following information when registering: (i) Name; (ii) date and place
30 of birth; (iii) place of employment; (iv) crime for which convicted;
31 (v) date and place of conviction; (vi) aliases used; (vii) social
32 security number; (viii) photograph; (ix) fingerprints; and (x) where he
33 or she plans to stay.

34 (4)(a) Offenders shall register with the county sheriff within the
35 following deadlines. For purposes of this section the term
36 "conviction" refers to adult convictions and juvenile adjudications for
37 sex offenses or kidnapping offenses:

1 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex
2 offense on, before, or after February 28, 1990, and who, on or after
3 July 28, 1991, are in custody, as a result of that offense, of the
4 state department of corrections, the state department of social and
5 health services, a local division of youth services, or a local jail or
6 juvenile detention facility, and (B) kidnapping offenders who on or
7 after July 27, 1997, are in custody of the state department of
8 corrections, the state department of social and health services, a
9 local division of youth services, or a local jail or juvenile detention
10 facility, must register at the time of release from custody with an
11 official designated by the agency that has jurisdiction over the
12 offender. The agency shall within three days forward the registration
13 information to the county sheriff for the county of the offender's
14 anticipated residence. The offender must also register within twenty-
15 four hours from the time of release with the county sheriff for the
16 county of the person's residence, or if the person is not a resident of
17 Washington, the county of the person's school, or place of employment
18 or vocation. The agency that has jurisdiction over the offender shall
19 provide notice to the offender of the duty to register. Failure to
20 register at the time of release and within twenty-four hours of release
21 constitutes a violation of this section and is punishable as provided
22 in subsection (10) of this section.

23 When the agency with jurisdiction intends to release an offender
24 with a duty to register under this section, and the agency has
25 knowledge that the offender is eligible for developmental disability
26 services from the department of social and health services, the agency
27 shall notify the division of developmental disabilities of the release.
28 Notice shall occur not more than thirty days before the offender is to
29 be released. The agency and the division shall assist the offender in
30 meeting the initial registration requirement under this section.
31 Failure to provide such assistance shall not constitute a defense for
32 any violation of this section.

33 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL
34 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody
35 but are under the jurisdiction of the indeterminate sentence review
36 board or under the department of corrections' active supervision, as
37 defined by the department of corrections, the state department of
38 social and health services, or a local division of youth services, for

1 sex offenses committed before, on, or after February 28, 1990, must
2 register within ten days of July 28, 1991. Kidnapping offenders who,
3 on July 27, 1997, are not in custody but are under the jurisdiction of
4 the indeterminate sentence review board or under the department of
5 corrections' active supervision, as defined by the department of
6 corrections, the state department of social and health services, or a
7 local division of youth services, for kidnapping offenses committed
8 before, on, or after July 27, 1997, must register within ten days of
9 July 27, 1997. A change in supervision status of a sex offender who
10 was required to register under this subsection (4)(a)(ii) as of July
11 28, 1991, or a kidnapping offender required to register as of July 27,
12 1997, shall not relieve the offender of the duty to register or to
13 reregister following a change in residence. The obligation to register
14 shall only cease pursuant to RCW 9A.44.140.

15 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on
16 or after July 23, 1995, and kidnapping offenders who, on or after July
17 27, 1997, as a result of that offense are in the custody of the United
18 States bureau of prisons or other federal or military correctional
19 agency for sex offenses committed before, on, or after February 28,
20 1990, or kidnapping offenses committed on, before, or after July 27,
21 1997, must register within twenty-four hours from the time of release
22 with the county sheriff for the county of the person's residence, or if
23 the person is not a resident of Washington, the county of the person's
24 school, or place of employment or vocation. Sex offenders who, on July
25 23, 1995, are not in custody but are under the jurisdiction of the
26 United States bureau of prisons, United States courts, United States
27 parole commission, or military parole board for sex offenses committed
28 before, on, or after February 28, 1990, must register within ten days
29 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not
30 in custody but are under the jurisdiction of the United States bureau
31 of prisons, United States courts, United States parole commission, or
32 military parole board for kidnapping offenses committed before, on, or
33 after July 27, 1997, must register within ten days of July 27, 1997.
34 A change in supervision status of a sex offender who was required to
35 register under this subsection (4)(a)(iii) as of July 23, 1995, or a
36 kidnapping offender required to register as of July 27, 1997 shall not
37 relieve the offender of the duty to register or to reregister following
38 a change in residence, or if the person is not a resident of

1 Washington, the county of the person's school, or place of employment
2 or vocation. The obligation to register shall only cease pursuant to
3 RCW 9A.44.140.

4 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders
5 who are convicted of a sex offense on or after July 28, 1991, for a sex
6 offense that was committed on or after February 28, 1990, and
7 kidnapping offenders who are convicted on or after July 27, 1997, for
8 a kidnapping offense that was committed on or after July 27, 1997, but
9 who are not sentenced to serve a term of confinement immediately upon
10 sentencing, shall report to the county sheriff to register immediately
11 upon completion of being sentenced.

12 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON
13 RESIDENTS. Sex offenders and kidnapping offenders who move to
14 Washington state from another state or a foreign country that are not
15 under the jurisdiction of the state department of corrections, the
16 indeterminate sentence review board, or the state department of social
17 and health services at the time of moving to Washington, must register
18 within thirty days of establishing residence or reestablishing
19 residence if the person is a former Washington resident. The duty to
20 register under this subsection applies to sex offenders convicted under
21 the laws of another state or a foreign country, federal or military
22 statutes, or Washington state for offenses committed on or after
23 February 28, 1990, and to kidnapping offenders convicted under the laws
24 of another state or a foreign country, federal or military statutes, or
25 Washington state for offenses committed on or after July 27, 1997. Sex
26 offenders and kidnapping offenders from other states or a foreign
27 country who, when they move to Washington, are under the jurisdiction
28 of the department of corrections, the indeterminate sentence review
29 board, or the department of social and health services must register
30 within twenty-four hours of moving to Washington. The agency that has
31 jurisdiction over the offender shall notify the offender of the
32 registration requirements before the offender moves to Washington.

33 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult
34 or juvenile who has been found not guilty by reason of insanity under
35 chapter 10.77 RCW of (A) committing a sex offense on, before, or after
36 February 28, 1990, and who, on or after July 23, 1995, is in custody,
37 as a result of that finding, of the state department of social and
38 health services, or (B) committing a kidnapping offense on, before, or

1 after July 27, 1997, and who on or after July 27, 1997, is in custody,
2 as a result of that finding, of the state department of social and
3 health services, must register within twenty-four hours from the time
4 of release with the county sheriff for the county of the person's
5 residence. The state department of social and health services shall
6 provide notice to the adult or juvenile in its custody of the duty to
7 register. Any adult or juvenile who has been found not guilty by
8 reason of insanity of committing a sex offense on, before, or after
9 February 28, 1990, but who was released before July 23, 1995, or any
10 adult or juvenile who has been found not guilty by reason of insanity
11 of committing a kidnapping offense but who was released before July 27,
12 1997, shall be required to register within twenty-four hours of
13 receiving notice of this registration requirement. The state
14 department of social and health services shall make reasonable attempts
15 within available resources to notify sex offenders who were released
16 before July 23, 1995, and kidnapping offenders who were released before
17 July 27, 1997. Failure to register within twenty-four hours of
18 release, or of receiving notice, constitutes a violation of this
19 section and is punishable as provided in subsection (10) of this
20 section.

21 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks
22 a fixed residence and leaves the county in which he or she is
23 registered and enters and remains within a new county for twenty-four
24 hours is required to register with the county sheriff not more than
25 twenty-four hours after entering the county and provide the information
26 required in subsection (3)(b) of this section.

27 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER
28 SUPERVISION. Offenders who lack a fixed residence and who are under
29 the supervision of the department shall register in the county of their
30 supervision.

31 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND
32 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,
33 who move to another state, or who work, carry on a vocation, or attend
34 school in another state shall register a new address, fingerprints, and
35 photograph with the new state within ten days after establishing
36 residence, or after beginning to work, carry on a vocation, or attend
37 school in the new state. The person must also send written notice
38 within ten days of moving to the new state or to a foreign country to

1 the county sheriff with whom the person last registered in Washington
2 state. The county sheriff shall promptly forward this information to
3 the Washington state patrol.

4 (b) Failure to register within the time required under this section
5 constitutes a per se violation of this section and is punishable as
6 provided in subsection (10) of this section. The county sheriff shall
7 not be required to determine whether the person is living within the
8 county.

9 (c) An arrest on charges of failure to register, service of an
10 information, or a complaint for a violation of this section, or
11 arraignment on charges for a violation of this section, constitutes
12 actual notice of the duty to register. Any person charged with the
13 crime of failure to register under this section who asserts as a
14 defense the lack of notice of the duty to register shall register
15 immediately following actual notice of the duty through arrest,
16 service, or arraignment. Failure to register as required under this
17 subsection (4)(c) constitutes grounds for filing another charge of
18 failing to register. Registering following arrest, service, or
19 arraignment on charges shall not relieve the offender from criminal
20 liability for failure to register prior to the filing of the original
21 charge.

22 (d) The deadlines for the duty to register under this section do
23 not relieve any sex offender of the duty to register under this section
24 as it existed prior to July 28, 1991.

25 (5)(a) If any person required to register pursuant to this section
26 changes his or her residence address within the same county, the person
27 must send written notice of the change of address to the county sheriff
28 within seventy-two hours of moving. If any person required to register
29 pursuant to this section moves to a new county, the person must send
30 written notice of the change of address at least fourteen days before
31 moving to the county sheriff in the new county of residence and must
32 register with that county sheriff within twenty-four hours of moving.
33 The person must also send written notice within ten days of the change
34 of address in the new county to the county sheriff with whom the person
35 last registered. The county sheriff with whom the person last
36 registered shall promptly forward the information concerning the change
37 of address to the county sheriff for the county of the person's new
38 residence. Upon receipt of notice of change of address to a new state,

1 the county sheriff shall promptly forward the information regarding the
2 change of address to the agency designated by the new state as the
3 state's offender registration agency.

4 (b) It is an affirmative defense to a charge that the person failed
5 to send a notice at least fourteen days in advance of moving as
6 required under (a) of this subsection that the person did not know the
7 location of his or her new residence at least fourteen days before
8 moving. The defendant must establish the defense by a preponderance of
9 the evidence and, to prevail on the defense, must also prove by a
10 preponderance that the defendant sent the required notice within
11 twenty-four hours of determining the new address.

12 (6)(a) Any person required to register under this section who lacks
13 a fixed residence shall provide written notice to the sheriff of the
14 county where he or she last registered within forty-eight hours
15 excluding weekends and holidays after ceasing to have a fixed
16 residence. The notice shall include the information required by
17 subsection (3)(b) of this section, except the photograph and
18 fingerprints. The county sheriff may, for reasonable cause, require
19 the offender to provide a photograph and fingerprints. The sheriff
20 shall forward this information to the sheriff of the county in which
21 the person intends to reside, if the person intends to reside in
22 another county.

23 (b) A person who lacks a fixed residence must report weekly, in
24 person, to the sheriff of the county where he or she is registered.
25 The weekly report shall be on a day specified by the county sheriff's
26 office, and shall occur during normal business hours. The county
27 sheriff's office may require the person to list the locations where the
28 person has stayed during the last seven days. The lack of a fixed
29 residence is a factor that may be considered in determining an
30 offender's risk level and shall make the offender subject to disclosure
31 of information to the public at large pursuant to RCW 4.24.550.

32 (c) If any person required to register pursuant to this section
33 does not have a fixed residence, it is an affirmative defense to the
34 charge of failure to register, that he or she provided written notice
35 to the sheriff of the county where he or she last registered within
36 forty-eight hours excluding weekends and holidays after ceasing to have
37 a fixed residence and has subsequently complied with the requirements

1 of subsections (4)(a)(vii) or (viii) and (6) of this section. To
2 prevail, the person must prove the defense by a preponderance of the
3 evidence.

4 (7) A sex offender subject to registration requirements under this
5 section who applies to change his or her name under RCW 4.24.130 or any
6 other law shall submit a copy of the application to the county sheriff
7 of the county of the person's residence and to the state patrol not
8 fewer than five days before the entry of an order granting the name
9 change. No sex offender under the requirement to register under this
10 section at the time of application shall be granted an order changing
11 his or her name if the court finds that doing so will interfere with
12 legitimate law enforcement interests, except that no order shall be
13 denied when the name change is requested for religious or legitimate
14 cultural reasons or in recognition of marriage or dissolution of
15 marriage. A sex offender under the requirement to register under this
16 section who receives an order changing his or her name shall submit a
17 copy of the order to the county sheriff of the county of the person's
18 residence and to the state patrol within five days of the entry of the
19 order.

20 (8) The county sheriff shall obtain a photograph of the individual
21 and shall obtain a copy of the individual's fingerprints.

22 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,
23 70.48.470, and 72.09.330:

- 24 (a) "Sex offense" means:
 - 25 (i) Any offense defined as a sex offense by RCW 9.94A.030;
 - 26 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a
27 minor in the second degree);
 - 28 (iii) Any violation under RCW 9.68A.090 (communication with a minor
29 for immoral purposes);
 - 30 (iv) Any federal or out-of-state conviction for an offense that
31 under the laws of this state would be classified as a sex offense under
32 this subsection; and
 - 33 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
34 criminal attempt, criminal solicitation, or criminal conspiracy to
35 commit an offense that is classified as a sex offense under RCW
36 9.94A.030 or this subsection.

37 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in
38 the first degree, kidnapping in the second degree, and unlawful

1 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a
2 minor and the offender is not the minor's parent; (ii) any offense that
3 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,
4 or criminal conspiracy to commit an offense that is classified as a
5 kidnapping offense under this subsection (9)(b); and (iii) any federal
6 or out-of-state conviction for an offense that under the laws of this
7 state would be classified as a kidnapping offense under this subsection
8 (9)(b).

9 (c) "Employed" or "carries on a vocation" means employment that is
10 full-time or part-time for a period of time exceeding fourteen days, or
11 for an aggregate period of time exceeding thirty days during any
12 calendar year. A person is employed or carries on a vocation whether
13 the person's employment is financially compensated, volunteered, or for
14 the purpose of government or educational benefit.

15 (d) "Student" means a person who is enrolled, on a full-time or
16 part-time basis, in any public or private educational institution. An
17 educational institution includes any secondary school, trade or
18 professional institution, or institution of higher education.

19 (10)(a) A person who knowingly fails to register with the county
20 sheriff or notify the county sheriff, or who changes his or her name
21 without notifying the county sheriff and the state patrol, as required
22 by this section is guilty of a class C felony if the crime for which
23 the individual was convicted was a felony sex offense as defined in
24 subsection (9)(a) of this section or a federal or out-of-state
25 conviction for an offense that under the laws of this state would be a
26 felony sex offense as defined in subsection (9)(a) of this section.

27 (b) If the crime for which the individual was convicted was other
28 than a felony or a federal or out-of-state conviction for an offense
29 that under the laws of this state would be other than a felony,
30 violation of this section is a gross misdemeanor.

31 (11)(a) A person who knowingly fails to register or who moves
32 within the state without notifying the county sheriff as required by
33 this section is guilty of a class C felony if the crime for which the
34 individual was convicted was a felony kidnapping offense as defined in
35 subsection (9)(b) of this section or a federal or out-of-state
36 conviction for an offense that under the laws of this state would be a
37 felony kidnapping offense as defined in subsection (9)(b) of this
38 section.

1 (b) If the crime for which the individual was convicted was other
2 than a felony or a federal or out-of-state conviction for an offense
3 that under the laws of this state would be other than a felony,
4 violation of this section is a gross misdemeanor.

5 (12) Except as may otherwise be provided by law, nothing in this
6 section shall impose any liability upon a peace officer, including a
7 county sheriff, or law enforcement agency, for failing to release
8 information authorized under this section.

9 **Sec. 2.** RCW 4.24.550 and 2003 c 217 s 1 are each amended to read
10 as follows:

11 (1) In addition to the disclosure under subsection (5) of this
12 section, public agencies are authorized to release information to the
13 public regarding sex offenders and kidnapping offenders when the agency
14 determines that disclosure of the information is relevant and necessary
15 to protect the public and counteract the danger created by the
16 particular offender. This authorization applies to information
17 regarding: (a) Any person adjudicated or convicted of a sex offense as
18 defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW
19 9A.44.130; (b) any person under the jurisdiction of the indeterminate
20 sentence review board as the result of a sex offense or kidnapping
21 offense; (c) any person committed as a sexually violent predator under
22 chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW;
23 (d) any person found not guilty of a sex offense or kidnapping offense
24 by reason of insanity under chapter 10.77 RCW; and (e) any person found
25 incompetent to stand trial for a sex offense or kidnapping offense and
26 subsequently committed under chapter 71.05 or 71.34 RCW.

27 (2) Except for the information specifically required under
28 subsection (5) of this section, the extent of the public disclosure of
29 relevant and necessary information shall be rationally related to: (a)
30 The level of risk posed by the offender to the community; (b) the
31 locations where the offender resides, expects to reside, or is
32 regularly found; and (c) the needs of the affected community members
33 for information to enhance their individual and collective safety.

34 (3) Except for the information specifically required under
35 subsection (5) of this section, local law enforcement agencies shall
36 consider the following guidelines in determining the extent of a public
37 disclosure made under this section: (a) For offenders classified as

1 risk level I, the agency shall share information with other appropriate
2 law enforcement agencies and the public or private school regulated
3 under Title 28A RCW which the offender is attending, or planning to
4 attend. The agency may disclose, upon request, relevant, necessary,
5 and accurate information to any victim or witness to the offense and to
6 any individual community member who lives near the residence where the
7 offender resides, expects to reside, or is regularly found; (b) for
8 offenders classified as risk level II, the agency may also disclose
9 relevant, necessary, and accurate information to public and private
10 schools, child day care centers, family day care providers, businesses
11 and organizations that serve primarily children, women, or vulnerable
12 adults, and neighbors and community groups near the residence where the
13 offender resides, expects to reside, or is regularly found; (c) for
14 offenders classified as risk level III, the agency may also disclose
15 relevant, necessary, and accurate information to the public at large;
16 and (d) because more localized notification is not feasible and
17 homeless and transient offenders may present unique risks to the
18 community, the agency may also disclose relevant, necessary, and
19 accurate information to the public at large for offenders registered as
20 homeless or transient.

21 (4) The county sheriff with whom an offender classified as risk
22 level III is registered shall cause to be published by legal notice,
23 advertising, or news release a sex offender community notification that
24 conforms to the guidelines established under RCW 4.24.5501 in at least
25 one legal newspaper with general circulation in the area of the sex
26 offender's registered address or location. The county sheriff shall
27 also cause to be published consistent with this subsection a current
28 list of level III registered sex offenders, twice yearly. Unless the
29 information is posted on the web site described in subsection (5) of
30 this section, this list shall be maintained by the county sheriff on a
31 publicly accessible web site and shall be updated at least once per
32 month.

33 (5)(a) When funded by federal grants or other sources, the
34 Washington association of sheriffs and police chiefs shall create and
35 maintain a statewide registered sex offender web site, which shall be
36 available to the public. The web site shall post all level III and
37 level II registered sex offenders in the state of Washington.

1 (i) For level III offenders, the web site shall contain, but is not
2 limited to, the registered sex offender's name, relevant criminal
3 convictions, address by hundred block, physical description, and
4 photograph. The web site shall provide mapping capabilities that
5 display the sex offender's address by hundred block on a map. The web
6 site shall allow citizens to search for registered sex offenders within
7 the state of Washington by county, city, zip code, last name, type of
8 conviction, and address by hundred block.

9 (ii) For level II offenders, the web site shall contain, but is not
10 limited to, the same information and functionality as described in
11 (a)(i) of this subsection, provided that it is permissible under state
12 and federal law. If it is not permissible, the web site shall be
13 limited to the information and functionality that is permissible under
14 state and federal law.

15 (b) Until the implementation of (a) of this subsection, the
16 Washington association of sheriffs and police chiefs shall create a web
17 site available to the public that provides electronic links to county-
18 operated web sites that offer sex offender registration information.

19 (6) Local law enforcement agencies that disseminate information
20 pursuant to this section shall: (a) Review available risk level
21 classifications made by the department of corrections, the department
22 of social and health services, and the indeterminate sentence review
23 board; (b) assign risk level classifications to all offenders about
24 whom information will be disseminated; and (c) make a good faith effort
25 to notify the public and residents at least fourteen days before the
26 offender is released from confinement or, where an offender moves from
27 another jurisdiction, as soon as possible after the agency learns of
28 the offender's move, except that in no case may this notification
29 provision be construed to require an extension of an offender's release
30 date. The juvenile court shall provide local law enforcement officials
31 with all relevant information on offenders allowed to remain in the
32 community in a timely manner.

33 (7) An appointed or elected public official, public employee, or
34 public agency as defined in RCW 4.24.470, or units of local government
35 and its employees, as provided in RCW 36.28A.010, are immune from civil
36 liability for damages for any discretionary risk level classification
37 decisions or release of relevant and necessary information, unless it
38 is shown that the official, employee, or agency acted with gross

1 negligence or in bad faith. The immunity in this section applies to
2 risk level classification decisions and the release of relevant and
3 necessary information regarding any individual for whom disclosure is
4 authorized. The decision of a local law enforcement agency or official
5 to classify an offender to a risk level other than the one assigned by
6 the department of corrections, the department of social and health
7 services, or the indeterminate sentence review board, or the release of
8 any relevant and necessary information based on that different
9 classification shall not, by itself, be considered gross negligence or
10 bad faith. The immunity provided under this section applies to the
11 release of relevant and necessary information to other public
12 officials, public employees, or public agencies, and to the general
13 public.

14 (8) Except as may otherwise be provided by law, nothing in this
15 section shall impose any liability upon a public official, public
16 employee, or public agency for failing to release information
17 authorized under this section.

18 (9) Nothing in this section implies that information regarding
19 persons designated in subsection (1) of this section is confidential
20 except as may otherwise be provided by law.

21 (10) When a local law enforcement agency or official classifies an
22 offender differently than the offender is classified by the end of
23 sentence review committee or the department of social and health
24 services at the time of the offender's release from confinement, the
25 law enforcement agency or official shall notify the end of sentence
26 review committee or the department of social and health services and
27 submit its reasons supporting the change in classification. Upon
28 implementation of subsection (5)(a) of this section, notification of
29 the change shall also be sent to the Washington association of sheriffs
30 and police chiefs.

--- END ---